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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/976,516	10/12/2001	Vijaykumar M. Patel	PF02025NA/10-29	2608

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LAW OFFICES OF CHARLES W. BETHARDS, LLP
P.O. BOX 1622
COLLEYVILLE, TX 76034

EXAMINER

PARTHASARATHY, PRAMILA

ART UNIT PAPER NUMBER

2136

DATE MAILED: 12/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/976,516

Applicant(s)

PATEL ET AL.

Examiner

Pramila Parthasarathy

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 September 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 and 11- 18 is/are rejected.
- 7) ☐ Claim(s) 9, 10, 19 and 20 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

Response to Arguments

1. In view of the Pre-Appeal Brief request filed on 9/28/2005, PROSECUTION IS HEREBY REOPENED. Applicant's arguments with respect to claims 1 – 20 have been considered but are moot in view of the new ground(s) of rejection as set forth below.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1 – 8 and 11 – 18 are rejected under 35 U.S.C. 102(e) as being anticipated by Ando et al. (U.S. Patent Number 6,895,432).

Regarding Claim 1, Ando teaches
monitoring a data packet sent from an originator via the router and addressed to
a destination device other than the router (Column 5 lines 14 – 67);

determining in the router whether the data packet is potentially harmful to the destination device (Column 5 lines 14 – 67);

interrupting transmission of the data packet in response to determining that the data packet is potentially harmful to the destination device, the interrupting further comprising the step of communicating with a second router to cause the second router to interrupt transmission of a future data packet (Column 6 lines 1 – 49); and

transmitting the data packet in response to determining that the data packet is not potentially harmful to the destination device (Background prior art).

Regarding Claim 11, Ando teaches

a plurality of I/O ports for accepting a data packet sent from an originator via the router and addressed to a destination device other than the router, and for transmitting the data packet to the destination device (Column 5 lines 14 – 67); and

a processor coupled to the plurality of I/O ports for processing the data packet; wherein the processor is programmed to: monitor the data packet (Column 5 lines 14 – 67);

determine whether the data packet is potentially harmful to the destination device (Column 5 lines 14 – 67);

interrupt transmission of the data packet in response to determining that the data packet is potentially harmful to the destination device, including communicating with a second router to cause the second router to interrupt transmission of a future data packet (Column 6 lines 1 – 49); and

transmit the data packet in response to determining that the data packet is not potentially harmful to the destination device (Background prior art).

Claims 2 and 12 is rejected as applied above in rejecting claims 1 and 11. Furthermore, Ando teaches the processor is further programmed to discard a later data packet from the originator (Column 6 lines 20 – 23).

Claims 3 and 13 is rejected as applied above in rejecting claims 1 and 11. Furthermore, Ando the processor is further programmed to send a command to an upstream router to intercept future data packets from the originator (Column 6 lines 1 – 33).

Claims 4 and 14 is rejected as applied above in rejecting claims 1 and 11. Furthermore, Ando teaches the processor is further programmed to forward an agent to an upstream router, the agent arranged to intercept future data packets from the originator (Column 6 lines 1 – 33 and Column 7 lines 50 – 57).

Claims 5 and 15 is rejected as applied above in rejecting claims 1 and 11. Furthermore, Ando teaches wherein the processor is further programmed to check for a potential presence of at least one of a worm, a virus, and a Trojan horse (Column 7 lines 31 – 49).

Claims 6 and 16 is rejected as applied above in rejecting claims 1 and 11.

Furthermore, Ando teaches

random sample a subset of data packets; monitor data packets having a predetermined source address; monitor data packets having a predetermined destination address; and monitor data packets having a predetermined combination of source and destination address (Column 7 lines 7 – 19 and Column 8 lines 36 – 57).

Claims 7 and 17 is rejected as applied above in rejecting claims 1 and 11.

Furthermore, Ando teaches determining that a first data packet is suspicious; and in response to determining that the first data packet is suspicious, deciding to decide to monitor future data packets having at least one of a source address and a destination address matching, respectively, the source and the destination address of the first data packet (Column 5 lines 14 – 67).

Claims 8 and 18 is rejected as applied above in rejecting claims 1 and 11.

Furthermore, Ando teaches wherein the processor is further programmed to collaborate with an upstream router to cause the upstream router to update its capabilities to detect a potentially harmful data packet (Column 6 lines 1 – 49).

Allowable Subject Matter

3. Claims 9, 10, 19 and 20 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

4. Examiner's Note: Examiner has cited particular columns and line numbers in the references as applied to the claims above for the convenience of the applicant.

Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant, in preparing the responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the examiner.

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See PTO Form 892.

Applicant is urged to consider the references. However, the references should be evaluated by what they suggest to one versed in the art, rather than by their specific

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disclosure. If applicants are aware of any better prior art than those are cited, they are required to bring the prior art to the attention of the examiner.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Pramila Parthasarathy whose telephone number is 571-272-3866. The examiner can normally be reached on 8:00a.m. To 5:00p.m.. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh can be reached on 571-232-3795. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR only. For more information about the PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Pramila Parthasarathy

November 29, 2005.

Cel
Primary Examiner
Av2131
12/1/05